

## LAW OFFICE OF AMY JANE AGNEW, P.C.

The Honorable Nelson S. Román  
Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, NY 10601-4150

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March 3, 2025

**VIA ECF**

**Re: *Holmes v. Bentivegna, et al.*, 23-cv-5462**

Dear Judge Roman:

On August 5, 2024, our office filed our appearance on behalf of Plaintiff, Marvin Holmes, in this matter. We did this, in large part, because Mr. Holmes is a named representative plaintiff in our suit *Beriquete v. Martucello*, 79-cv-5077 (formerly *Milburn v. Dugin*) which succeeded in the reestablishment of a Consent Order regarding the delivery of constitutionally adequate medical care at Green Haven Correctional Facility. Mr. Holmes shared that he was having a very hard time getting a defendant for his pro se suit identified and we felt we could be of help.

Last week, I received State Defendant's motion to dismiss papers, as well as the pre-motion letter filed by outside counsel to Defendant Connolly. As the Court knows, most of my practice revolves around § 1983 suits for deliberate indifference to prisoners' medical needs. While I do not necessarily share the basis of the legal arguments of my colleagues, I do need to speak with my client about their positions before responding to the pending motion and pre-motion letter.

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As the Court may also know, the DOCCS system has been in a particular tumult the last month. DOCCS has necessarily canceled all of our legal calls and visits and our legal mail is lagging approximately two weeks behind due to the lack of personnel in the facilities to process and distribute legal mail. On Friday, Green Haven alerted us that they have commenced rescheduling legal calls but there is a backlog. My staff has requested a legal call for me with Mr. Holmes. While I would prefer a visit, the current security situations in DOCCS' prisons are not allowing that luxury. I believe once I speak with my client, who is a very reasonable and kind man, I may be able to save judicial resources as well as the resources and time of my colleagues.

I would respectfully request the Court grant me a two-week extension – until March 17, 2025 -- so I can confer with my client and my colleagues regarding this case. I ask for two weeks out of an abundance of caution given the scheduling limitations of Green Haven, but will respond to the Court earlier if I can do so.

We thank this Court for its continuing courtesies and attention to this matter.

**The Court GRANTS Plaintiff counsel's request for two-week extensions to respond to the State Defendant's pending motion to dismiss and Defendant Connolly's pre-motion letter.**

Very truly yours,

*/s/ AJ Agnew*

Amy Jane Agnew, Esq.

**The modified briefing schedule for the State Department's motion to dismiss will be as follows:**

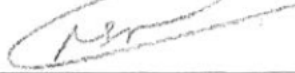
- (1) Plaintiff's opposition papers are to be served (not filed) on April 11, 2025;**
- (2) Defendants' reply papers are to be served on April 28, 2025; and**
- (3) All motion papers are to be filed by the parties on the reply date, April 28, 2025.**

**The parties are directed to provide Chambers with two physical courtesy copies of their motion papers on the same date they are served on opposing counsel. The parties are further directed to provide the Court with an electronic courtesy copy of the motion papers as they are served per this Court's local emergency civil rules.**

**Further, Plaintiff will have until March 17, 2025 to respond Defendant Connolly's pre-motion letter. The Clerk of Court is kindly requested to terminate the motion at ECF No. 65.**

**Dated: March 3, 2025  
White Plains, New York**

SO ORDERED:



NELSON S. ROMÁN  
United States District Judge